

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT ILLINOIS
EASTERN DIVISION**

WINIFRED J. DAUGHERTY et al.,

Plaintiffs,

v.

THE UNIVERSITY OF CHICAGO,

Defendant.

)
) Case No. 1:17-cv-03736
)
)
) Hon. Judge Ruben Castillo
)
)
)
)
)
)
)
)
)

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL AND RELATED RELIEF**

Plaintiff Winifred Daugherty, Walter James and Gloria Jackson (“Plaintiffs”), individually and on behalf of all others similarly situated, move this Court pursuant to Federal Rules of Civil Procedure 23, for an Order: (1) preliminarily approving the parties’ proposed \$6.5 million class action settlement (the “Settlement”); (2) approving class certification for settlement purposes; (3) approving the form and content of class notice; (4) appointing Class Counsel; (5) appointing a Settlement Administrator;¹ and (6) setting a hearing to consider granting final approval of the Settlement, consideration of the proposed Plan of Allocation, and consideration of Co-Lead Counsel’s motion for approval of Plaintiffs’ proposed Case Contribution Awards and Class Counsel’s request for an award of attorney’s fees and reimbursement of litigation expenses. Defendant takes no position on this Motion.

With this motion, Plaintiffs submit the following materials:

- Exhibit A, the Settlement Agreement (without exhibits)

¹ All capitalized terms used herein shall have the meaning ascribed to them in the Class Action Settlement Agreement and Release dated May 22, 2018 (“Settlement Agreement”) entered between Plaintiffs and Defendant, the University of Chicago. The Settlement Agreement with all exhibits thereto is being filed as an exhibit to Plaintiff’s accompanying motion for preliminary approval.

- Exhibit B, proposed Class Notice (Exhibit B to the Settlement Agreement)
- Exhibit C, proposed Plan of Allocation (Exhibit C to the Settlement Agreement)
- Exhibit D, proposed Preliminary Approval Order (Exhibit D to the Settlement Agreement)
- Exhibit E, proposed Final Order and Judgment (Exhibit A to the Settlement Agreement)
- Exhibit F, firm resume of Berger & Montague, P.C.
- Exhibit G, firm resume of Schneider Wallace Cottrell Konecky Wotkyns LLP
- Exhibit H, firm resume of Wexler Wallace LLP

As reflected in the Settlement Agreement, the parties want to compromise and settle all issues and claims relating to the allegations made in this Action on behalf of all members of the proposed Classes. The proposed Plan of Allocation will fairly distribute the settlement proceeds among the Class Members.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Unopposed Motion and enter the proposed Order attached as an Exhibit hereto (and, as noted, Exhibit D to the Settlement Agreement).

Dated: May 22, 2018

Respectfully submitted,

/s/ Mark R. Miller

Kenneth A. Wexler

Mark R. Miller

WEXLER WALLACE LLP

55 West Monroe Street, Suite 3300

Chicago, Illinois 60603

Telephone: (312) 346-2222

Facsimile: (312) 346-0022

kaw@wexlerwallace.com

mrm@wexlerwallace.com

Todd S. Collins

Eric Lechtzin

Ellen T. Noteware

BERGER & MONTAGUE, P.C.

1622 Locust Street

Philadelphia, PA 19103-6365

Telephone: (215) 875-3000

Facsimile: (215) 875-4604
tcollins@bm.net
elechtzin@bm.net
enoteware@bm.net

John J. Nestico
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
8501 N. Scottsdale Road, Suite 270
Scottsdale, Arizona 85253
Telephone: (480) 428-0145
Facsimile: (866) 505-8036
mmckay@schneiderwallace.com
jnestico@schneiderwallace.com

Todd Schneider*
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
2000 Powell Street, Suite 1400
Emeryville, California 94608
Telephone: (415) 421-7100
Facsimile: (415) 421-7105
tschneider@schneiderwallace.com

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2018 I caused to be served, via electronic mail a true and correct copy of PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL AND RELATED RELIEF to the following:

Anne E. Rea
Mark B. Blocker
Benjamin I. Friedman
Raechel Bimmerle
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, Illinois 60603
(312) 853-7000
312) 853 7063 (Fax)

Attorneys for The University of Chicago

/s/ Mark R. Miller
Mark R. Miller